

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MELVA RIOS)	
Claimant)	
VS.)	
)	
STANTON COUNTY HOSPITAL)	Docket No. 213,011
Respondent)	
AND)	
)	
EMC INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Respondent requested Appeals Board review of Administrative Law Judge Pamela J. Fuller's March 4, 1999, Decision. The Appeals Board heard oral argument by telephone conference on September 1, 1999.

APPEARANCES

Claimant appeared by and through her attorney, John D. Shultz of Dodge City, Kansas. Respondent and its insurance carrier appeared by and through their attorney, James M. McVay of Great Bend, Kansas.

RECORD AND STIPULATIONS

The Appeals Board has consider the record and has adopted the stipulations listed in the Decision.

ISSUES

The Administrative Law Judge found claimant fell and injured her left knee at work on March 28, 1993. As a result of the fall, the Administrative Law Judge awarded claimant a 15 percent permanent partial disability for a scheduled lower extremity injury.¹

Respondent appeals and agrees that claimant injured her left knee at work on March 28, 1993. But respondent disagrees that claimant suffered any permanent impairment as a result of the March 28, 1993, left knee injury. Respondent contends it provided conservative medical treatment for the March 28, 1993, injury. After the medical treatment, in July 1993, claimant was returned to her regular work without permanent restrictions and with no

¹See K.S.A. 1992 Supp. 44-510d(a)(12).

permanent functional impairment. Therefore, respondent argues that the left knee problems claimant suffered after July 1993 are the result of her work activities she performed after July of 1993 and have no relationship to her March 28, 1993, accident. Furthermore, since claimant failed to allege that her permanent left knee injury was the result of her work activities after she returned to her regular work in July 1993, respondent argues her claim for workers compensation benefits should be denied.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record, considering the briefs, and hearing the arguments of the parties, the Appeals Board makes the following findings and conclusions:

The Appeals Board finds the Administrative Law Judge's Decision should be affirmed. The Appeals Board does so for the reasons stated in the Administrative Law Judge's findings and conclusions. It is not necessary to repeat those findings and conclusions in this Order. The Appeals Board hereby approves those findings and conclusions and adopts them as its own.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Pamela J. Fuller dated March 4, 1999, should be, and the same is hereby, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of September 1999.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: John D. Shultz, Dodge City, KS
James M. McVay, Great Bend, KS
Pamela J. Fuller, Administrative Law Judge
Philip S. Harness, Director